IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 427 OF 2005

Ramesh Govind Khadkar & Ors. .. Applicants.
V/s.

The State of Maharashtra .. Respondent.

Shri P.R.Naidu with Mrs.P.P.Naidu for the Applicants.
Shri V.B.Konde- Deshmukh, APP for Respondent - State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 01,2005.

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. Indeed if the allegations made in the complaint in question is taken as it is, it gives an impression about the seriousness of the offence and involvement of the applicants. However, considering the case of the applicants on the other hand, as is seen from the complaint filed by the applicants, it appears that the complainant party was the aggressor party. The applicants in retaliation must have inflicted the injury on the complainant party during this scuffle which ensued between them. There is substance in the argument canvassed that as the

complainant party is resourceful, being the Sarpanch of the village and although they were the aggressor, their complaint has been taken on record by the local police so as to falsely implicate the applicants and treat the complainant party lightly. On the other hand, if the version of the applicants was to be accepted, obviously the act of the complainant party was more serious and was threatening to the applicants, who in retaliation caused injury to the complainant party. Viewed in this perspective, the applicants deserve to be granted anticipatory bail but on strict conditions. This is necessary because it is brought to my notice that applicant No.1 has antecedents, as three offences are already registered against him. Accordingly, following order is passed :-

(a) The Applicants are granted anticipatory bail in connection with C.R.No. 02/2005, registered with Kalamboli Police Station, Kharghar on executing personal bonds in the sum of Rs. 10,000/- (Rs. Ten thousand only) each with two local sureties in the like amount.

(b) The Applicant No.1 shall not enter the jurisdiction of Kalamboli Police Station till investigation is complete, except for reporting to the concerned police station in connection with the investigation, if called upon by the investigating officer. Besides, he shall regularly report to the nearest police station where he would reside, on every Saturday between 10 a.m. to 2 p.m. till filing of the chargesheet and he shall inform his latest address, where he would reside within one week from today, to the concerned investigating officer.

(c) The Applicants shall co-operate for the purpose of the investigation of the case and report to the investigating officer as and when called upon. They shall also extend full co-operation for early disposal of the trial. If the trial court is of the opinion that they are responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(d) The Applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

(e) In so far as Applicant No.2 is concerned, his attendance before the concerned police station shall not be insisted between 11th February, 2005 till 17th February, 2005 as he is likely to leave the jurisdiction of Kalamboli Police Station for his marriage, which will be held at Kolhapur during that period.

3. Ordered accordingly.

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